

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RENE G. GUTIERREZ,
Petitioner,

v.

B. CATES, Warden,
Respondent.

Case No. [21-cv-03639-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On May 14, 2021, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's *in forma pauperis* application. The Clerk of the Court sent Petitioner a blank *in forma pauperis* application and told him that he must pay the fee or return the completed application within twenty-eight days or his action would be dismissed.

More than twenty-eight days have passed and Petitioner has not paid the filing fee, returned the *in forma pauperis* application or otherwise communicated with the Court.

IT IS HEREBY ORDERED THAT this action is DISMISSED WITHOUT PREJUDICE.
The Clerk of the Court shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: 7/12/2021


JUDGE YVONNE GONZALEZ ROGERS
United States District Judge